IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION No. 10480 of 2005

Between:

Venu Subhash, s/o. Venu Anjaiah,
R/o. 12-102, P&T Colony, Dilsukhnagar,

Gaddiannaram Municipality, R.R.District.

..... PETITIONER

AND

The Municipal Commissioner, Gaddiannaram Municipality,
R.R.District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or orders more particularly one in the nature of Writ of Mandamus declaring the impugned notice dated 19.4.2005 in file No.U.C.R.No.26/TPS-II/2005 as being illegal, arbitrary and violation of provisions of A.P. Municipalities Act, 1965, and A.P. Urban Development Act and Articles 14 & 21 of Constitution of India.

Counsel for the Petitioner: Mr. P.RAJESWARA RAO

Counsel for the Respondent: Mr.P.Radhakrishna, Standing Counsel for the Municipality.

The Court at the stage of admission made the following :

O R D E R :

This writ petition is filed by the petitioner aggrieved by the Order dated 19.04.2005 passed by the respondent under Section 228(3) of the Andhra Pradesh Municipalities Act, 1965, (for short 'the Act').

It is not in dispute that against the said Order an appeal lies under Section 345 of the Act and the petitioner has preferred such an appeal before the Municipal Council along with an application for stay. The petitioner states that the Municipal Council is not likely to meet within a month, and so, he is not able to get any immediate orders and in the meanwhile the employees of the Corporation are attempting to demolish the structures in question in pursuance of the impugned order dated 19.04.2005. Hence, this writ petition.

Having heard the learned Counsel for the petitioner and the learned Standing Counsel appearing for the respondent and keeping in view that the statutory appeal has already been preferred by the petitioner and pending before the Municipal Council, I deem it appropriate to dispose of the writ petition with a direction that the application for stay filed by the petitioner in the appeal filed against the order dated 19.04.2005 shall be disposed of in accordance with Law within a period of one week from the date of receipt of a copy of this order. Till such time, the order dated

19.04.2005 shall not be given effect to. However, it is made clear that the petitioner shall not proceed with any further constructions in the land in question until further orders.

Accordingly, the writ petition is disposed of. No costs.

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G.ROHINI, J.

Dated: 28th April, 2005.

NOTE:

Registry is directed to communicate a copy of this Order to the Municipal Council, Gaddiannaram Municipality.

B/O

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Municipal Commissioner, Gaddiannaram Municipality, Ranga Reddy District.

2. The Muncipal Council, Gaddiannaram Municipality, Gaddiannaram, Ranga Reddy District.

3. 2 CD copies

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